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United States of America
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JIMMY PEREZ AYON,
15 Defendant.

CASE NO. 2:22-CR-00176-TLN
STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER
DATE: May 18, 2023
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

16
17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was set for status on May 18, 2023.
21 2. By this stipulation, defendant now moves to continue the status conference until July 27,
22 2023, at 9:30 a.m., and to exclude time between May 18, 2023, and July 27, 2023, under Local Code T4.
23 3. The parties agree and stipulate, and request that the Court find the following:
24 a) The government has represented that the discovery associated with this case
includes approximately 3,380 pages of documents, including investigative reports, text messages,
transcripts of recorded communications, and other materials, as well as multiple undercover
video and audio recordings. All of this discovery has been either produced directly to counsel
and/or made available for inspection and copying.

1 b) Counsel for defendant desires additional time to review this discovery, to conduct
2 factual investigation, to evaluate potential responses to the charges, to confer with his client, and
3 to otherwise prepare for trial.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him the reasonable time necessary for effective preparation, taking into
6 account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of May 18, 2023 to July 27, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

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22 Dated: May 9, 2023

PHILLIP A. TALBERT
United States Attorney

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24 _____
25 /s/ DAVID W. SPENCER
26 DAVID W. SPENCER
27 Assistant United States Attorney

1 Dated: May 9, 2023

/s/ MICHAEL D. LONG

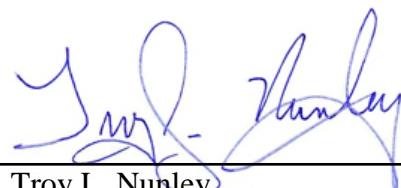
2 MICHAEL D. LONG

3 Counsel for Defendant

4 JIMMY PEREZ AYON

5 **ORDER**

6 IT IS SO FOUND AND ORDERED this 10th day of May, 2023.

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Troy L. Nunley
United States District Judge